

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Iron Horse Lane, 388 ft.
NW of c/l Avalon Way * ZONING COMMISSIONER

3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Ironhorse Associates, L.L.C. * Case No. 97-91-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the west side of Iron Horse Lane, 387 ft. north of Avalon Way, also known as the Avalon Development, Section 2. Variance relief is requested, pursuant to Section 504.2 of the Baltimore County Zoning Regulations (BCZR) for the following variances from the 1970 Comprehensive Manual of Development Policies (CMDP):

- A. Section V.B.3.a and 1B01.2.C.6 to permit a building height of 60 ft. in lieu of the permitted 50 ft.;
- B. Section V.B.4.a and 1B01.2.B.2 to permit a building length of 500 ft. in lieu of the permitted 300 ft; and
- C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 ft. in lieu of the required 25 ft., and to permit the eastern side yard window to property line setback of 13 ft., in lieu of the 15 ft. required. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was John B. Colvin, principal of Ironhorse Associates, L.L.C. Also present was Rick Chadsey, an engineer from G.W. Stephens and Associates, Inc., the preparers of the site plan. The Petitioner was represented by Stuart D. Kaplow,

ORDER RECEIVED FOR FILING

Date

By

10/2/96
M. Howard

MICROFILMED

Esquire. Zelda Weiner appeared as an interested person. There were no Protestants present.

As noted above, the subject variance request relates to the development known as Avalon, a parcel located adjacent to the intersection of McDonogh Crossroads and Reisterstown Road in northwest Baltimore County. The Petitioner is proposing an innovative residential development as shown on the site plan. The proposal under consideration calls for the construction of a condominium style residential building, with 148 units. The innovative style of the building is generated by the fact that parking for each unit will be internal and not visible from surrounding properties. The building style was described as a doughnut configuration by Developer's counsel. The internal parking area provides 301 spaces.

The variances are requested to allow this unique building style and architecture. In this regard, Mr. Kaplow proffered that the building's height would be closer to 57 ft., however, a variance permitting a height of up to 60 ft. was requested to accommodate site conditions. The shape of the building and the interior parking layout also generates the variance request as to the length of the building (500 ft. in lieu of the permitted 300 ft.). It is to be noted that there will be no increase in residential density occasioned by the variance relief.

The grant of variances are governed by Section 307 of the BCZR. In my judgment, the Petitioner has satisfied the test set forth therein. The proposal is an innovative housing style which is expressly encouraged by the BCZR. This innovative style is appropriate at this location and variance relief should be granted in order to accommodate this development. In my judgment, denial of the variance would result in practical difficulty upon the Petitioner and relief can be granted without adverse impact to the surrounding properties.

ORDER RECEIVED FOR FILING

Date

By

10/9/96
Mr. G. G. G. G.

Notwithstanding the grant of the relief, I will condition same upon compliance with the comments from Lt. Robert P. Sauerwald from the Baltimore County Fire Department dated September 30, 1996. Those comments, which are marked as Petitioner's Exhibit No. 2, require certain conditions to be appended to the plan in order to meet fire department requirements. These requirements shall be conditioned precedent to the grant of the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October, 1996 that a variance from Section V.B.3.a and 1B01.2.C.6 of the BCZR to permit a building height of 60 ft. in lieu of the permitted 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.4.a and 1B01.2.B.2 of the BCZR to permit a building length of 500 ft. in lieu of the permitted 300 ft, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 ft., in lieu of the required 25 ft., and to permit the eastern side yard window to property line setback of 13 ft., in lieu of the 15 ft. required, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, the Fire Department

ORDER RECEIVED FOR FILING

Date

By

dated September 5, 1996, are adopted in their entirety and made a part of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/nmm

ORDER RECEIVED FOR FILING
Date 10/9/96
By M. G. [Signature]

RECEIVED
BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 8, 1996

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 97-91-A
Petition for Zoning Variance
Property: Westside of Ironhorse Lane, 387' N of Avalon Way
Ironhorse Associates, L.L.C., Petitioner

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

- c: Mr. John Colvin, Ironhorse Assoc., L.L.C. 124 Slade Avenue #200
Baltimore, Md. 21208
- c: Ms. Zelda Weiner, 210 Glenn Ellen Circle, Pikesville, Md. 21208

MICROFILMED



SUPPLEMENTAL

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Westside of Ironhorse Lane 387 feet north of
Avalon Way

which is presently zoned

DR-3.5, 0-2,

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

DR-1

(See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)
That the property is unique and unusual such that the uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Stuart D. Kaplow

(Type or Print Name)

Stuart D. Kaplow P.A.

Signature

502 Baltimore Avenue

Address

410-339-3910

Phone No

Towson

City

MD

State

21204

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

Ironhorse Associates, L.L.C

(Type or Print Name)

Signature

John Colvin, member

(Type or Print Name)

Signature

124 Slade Avenue, #200

Address

410-486-1234

Phone No

Baltimore

City

MD

State

21208

Zipcode

Name, Address and phone number of representative to be contacted

Stuart D. Kaplow

Name

502 Baltimore Avenue

Address

Towson, MD 21204

410-339-3910

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE: _____



Printed with Soybean Ink
on Recycled Paper

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PETITION FOR VARIANCE
ATTACHMENT A

Section 504.2 of the Baltimore County Zoning Regulations,
Requesting the following variances from the 1970 C.M.D.P.

- A. Section V.B.3.a and 1B01.2.C.6 to permit a building height of 60 feet in lieu of the permitted 50 feet;
- B. Section V.B.4.a and 1B01.2.B.2 to permit a building length of 500 feet in lieu of the permitted 300 feet; and
- C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 feet in lieu of the required 25 feet, and

to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

MICROFILM

92



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

97-91-A

Westside of Ironhorse Lane 387 feet north of
Avalon Way

which is presently zoned

DR-3.5, 0-2, DR-

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See Attached)

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Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Stuart D. Kaplow

(Type or Print Name)

Stuart D. Kaplow, P.A.

Signature

502 Baltimore Avenue

Address

410-339-3910

Phone No.

Towson

City

MD

State

21204

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Ironhorse Associates, L.L.C

(Type or Print Name)

Signature

John Colvin, member

(Type or Print Name)

Signature

124 Slade Avenue, #200

Address

410-486-1234

Phone No

Baltimore

City

MD

State

21208

Zipcode

Name, Address and phone number or representative to be contacted

Stuart D. Kaplow

Name

502 Baltimore Avenue

Address

Towson, MD 21204

410-339-3910

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

**DROP OFF
NO REVIEW**



Printed with Soybean Ink
on Recycled Paper

8/23/96
KCR



Petition For Variance
Attachment A

97-91-A

Section 504.2 of the Baltimore County Zoning Regulations,
Requesting the following variances from the 1970 C.M.D.P.

- A. Section V.B.3.a, to permit a building height of 60 feet in lieu of the permitted 50 feet;
- B. Section V.B.4.a and 1B01.2.B.2 to permit a building length of 500 feet in lieu of the permitted 300 feet; and
- C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 feet in lieu of the required 25 feet, and
to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

MICROFILMED

92

FROM THE OFFICE OF
 GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
 ENGINEERS
 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany Zoning Variance Plat
 Avalon Court 2

August 22, 1996
 Page -1-

97-91-A

Beginning at a point on the southwesterly right-of-way of Ironhorse Lane, said point being North 53 degrees 56 minutes 28 seconds West 387.91 feet more or less, from a point formed by the intersection of the centerlines of Ironhorse Lane and Avalon Way running thence leaving said point of beginning and the right-of-way of Ironhorse Lane, along the following 31 courses.

1. South 25 degrees 04 minutes 51 seconds West 58.34 feet,
2. South 24 degrees 43 minutes 38 seconds West 105.39 feet,
3. South 28 degrees 14 minutes 59 seconds West 44.31 feet,
4. South 70 degrees 53 minutes 24 seconds West 65.01 feet,
5. South 74 degrees 45 minutes 20 seconds West 31.38 feet,
6. South 90 degrees 00 minutes 00 seconds West 15.94 feet,
7. North 76 degrees 21 minutes 13 seconds West 110.23 feet,
8. North 76 degrees 58 minutes 56 seconds West 53.48 feet,
9. North 77 degrees 59 minutes 14 seconds West 103.89 feet,
10. North 81 degrees 43 minutes 27 seconds West 30.85 feet,
11. North 83 degrees 28 minutes 28 seconds West 32.67 feet,
12. North 88 degrees 12 minutes 39 seconds West 19.50 feet,
13. South 86 degrees 44 minutes 07 seconds West 16.94 feet,
14. South 77 degrees 22 minutes 09 seconds West 24.26 feet,
15. South 69 degrees 28 minutes 39 seconds West 16.51 feet,
16. South 62 degrees 47 minutes 17 seconds West 7.02 feet,
17. South 62 degrees 47 minutes 19 seconds West 70.59 feet,
18. North 40 degrees 57 minutes 38 seconds West 64.22 feet,
19. North 61 degrees 19 minutes 09 seconds West 19.85 feet,
20. North 05 degrees 11 minutes 24 seconds East 20.01 feet,
21. North 47 degrees 57 minutes 18 seconds East 37.47 feet,
22. North 00 degrees 47 minutes 41 seconds West 46.08 feet,
23. North 27 degrees 05 minutes 25 seconds East 59.26 feet,
24. North 23 degrees 00 minutes 58 seconds East 44.65 feet,
25. Thence along a curve to the left having a radius of 25.00 feet for a length of 37.86 feet, said curve being subtended by a chord bearing North 20 degrees 22 minutes 26 seconds West 34.35 feet,
26. North 17 degrees 53 minutes 48 seconds East 53.53 feet,
27. North 04 degrees 39 minutes 13 seconds West 44.03 feet,
28. North 33 degrees 55 minutes 16 seconds East 60.82 feet to a point on the southwesterly right-of-way of Ironhorse Lane,
29. Continuing along the southwesterly right-of-way of Ironhorse Lane along a curve to the left having a radius of 405.00 feet for a length of 89.64 feet, said curve being subtended by a chord bearing South 62 degrees 25 minutes 11 seconds East 89.46 feet,
30. Continuing along the southwesterly right-of-way of Ironhorse Lane South 68 degrees 45 minutes 39 seconds East 530.08 feet,

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August 22, 1996

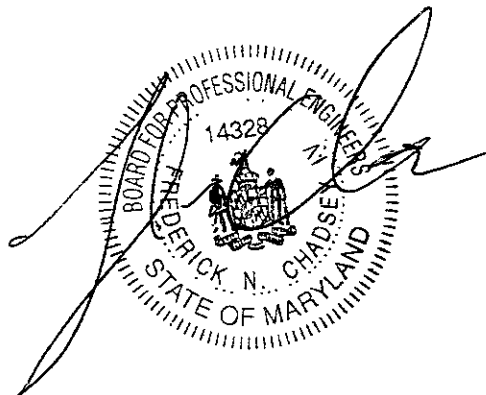
Page -2-

97-91-A

31. Continuing along the southwesterly right-of-way of Ironhorse Lane along a curve to the right having a radius of 720.00 feet for a length of 48.27 feet, said curve being subtended by a chord bearing South 66 degrees 50 minutes 24 seconds East 48.26 feet, to the point of beginning.

Containing 4.65 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



MICROFILMED

EXTRA COPY
IN CASE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3 Date of Posting 9/22/96
Posted for: VARIANCES Case 97-91-A
Petitioner: IRON HORSE ASSOCIATES
Location of property: SW/IRON HORSE LANE - 388' NW E AVALON WAY
Location of Sign: END OF EXISTING IRON HORSE WAY (PUBLIC ROAD)
Remarks: _____
Posted by Patricia O'Keefe Date of return: _____
Number of Signs: 1



MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Sept. 6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 5, 1996.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the

106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, on Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-91-A (Item 92)

SW/S Iron Horse Lane, 388' NW of 21 Avalon Way 3rd Election District 3rd Councilmanic

Legal Owner(s):

Ironhorse Associates, L.L.C.

Variance: to permit a building height of 60 feet in lieu of the permitted 50 feet; to permit a building length of 500 feet in lieu of the permitted 300 feet; to permit a front yard setback of 20 feet in lieu of the required 25 feet; and to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

Hearing: Wednesday, October 2, 1996 at 2:00 p.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/060 Sept. 5.

C80059

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

023360

97-92

DATE 8/23/96

ACCOUNT 001-6150

AMOUNT \$ 285.00 (WCR)

RECEIVED
FROM:

Questar Builders

CN+
SIGN

FOR:

#020 - VARIANCE
#080 - SIGN POSTING

DROP-OFF
NO REVIEW

W/S Ironhorse Lane,
387' N of Avalon Way

VALIDATION OR SIGNATURE OF CASHIER

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**BALTIMORE COUNTY, MARYLAND AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **067076**

DATE 6/2/99 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JRA)

RECEIVED
FROM: Reilly Mortgage Group

FOR: #99-1436

9000 Iron Horse Lane - Courts of Avalon Apts

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
6/03/1999	6/02/1999	14:34:30
REG MS06	CASHIER KNOWN ROOM DRAWER	
Dept	5 528 ZONING VERIFICATION	
Receipt #	074090	DFLN
CR NO.	067076	

Receipt Tot 40.00
40.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

TO: PUTUXENT PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow, Esq.
502 Baltimore Avenue
Towson, MD 21204
339-3910

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-91-A (Item 92)
SW/S Iron Horse Lane, 388' NW of c/l Avalon Way
3rd Election District - 3rd Councilmanic
Legal Owner(s): Ironhorse Associates, L.L.C.

Variance to permit a building height of 60 feet in lieu of the permitted 50 feet; to permit a building length of 500 feet in lieu of the permitted 300 feet; to permit a front yard to right of way setback of 20 feet in lieu of the required 25 feet; and to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

HEARING: WEDNESDAY, OCTOBER 2, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-91-A (Item 92)
SW/S Iron Horse Lane, 388' NW of c/l Avalon Way
3rd Election District - 3rd Councilmanic
Legal Owner(s): Ironhorse Associates, L.L.C.

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HEARING: WEDNESDAY, OCTOBER 2, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Ironhorse Associates, LLC
Stuart D. Kaplow, P.A.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 24, 1996

Stuart D. Kaplow, P.A.
502 Baltimore Avenue
Towson, MD 21204

RE: Item No.: 92
Case No.: 97-91-A
Petitioner: Ironhorse Assoc., LLC

Dear Mr. Kaplow:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-30-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 092 (WCR)


Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 6, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 81, 83, 86, 88, 90, 92 and 93

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Carol L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
ELECTRICAL INSPECTION FEE SCHEDULE

EFFECTIVE APRIL 1, 1992

MINIMUM FEE FOR ELECTRICAL PERMITS IS \$17.00

PERMIT EXPIRATION

A permit shall expire one year from the date it was issued unless it is extended, in which case it can only be extended for one additional year. The maximum duration of an electrical permit is two years.

ROUGH WIRING

FIXTURES

All switches, receptacles, and lights to be counted as outlets:

1 to 50 outlets . . . \$17.00	1 to 50 fixtures . . . \$17.00
For each additional 25 outlets or fraction thereof . \$ 3.00	For each additional 25 fixtures or fraction thereof . \$3.00

COMPLETED INSTALLATIONS, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets.

FEES - NEW RESIDENCE - FLAT RATE - INCLUDES ALL APPLIANCES & SERVICE

Not over 100 amp. service	\$44.00
Not over 200 amp. service	\$52.00
Over 200 amp. service	\$57.00

FEES - NEW APARTMENTS - INCLUDES ALL APPLIANCES - SERVICE ADDITIONAL

1 to 5 - Use Rough Wiring & Fixture Schedules, Service Additional
6 or more - \$17.00 per apartment, Service Additional

ADDITIONS & REMODELING - Use Rough Wiring and Fixture Schedules.
Appliances such as electric ranges, range tops, ovens, air conditioners, water heaters, disposals, dishwashers, dryers, water pumps, electric heating units, etc., installed in dwelling occupancies: a charge of \$5.00 will be made for the first unit 20 KW or less, and \$2.00 for each additional unit or outlets.

INDUSTRIAL AND COMMERCIAL EQUIPMENT - such as air conditioners, motors, generators, commercial heaters, transformers, capacitors, welders and similar devices:

Secondary Fee	
Single unit or group not exceeding 5 motors whose total capacity does not exceed 1 HP or KW . . .	\$17.00 -- \$5.00
1 HP to 40 HP, KW or KVA	\$17.00 -- \$5.00
Over 40 HP to 75 HP, KW or KVA	\$17.00 -- \$6.00
Over 75 HP, KW or KVA	\$17.00 -- \$7.00

NOTE: Where above motor fees exceed \$75.00 and inspections can be completed within 90 days of filing application, apply 50% of the above fees for the amount over \$75.00.

NEW SERVICE - RELOCATION OR CHANGE IN SERVICE

Not over 400 amps	\$17.00
Over 400, not over 800 amps	\$25.00
Over 800 amps	\$43.00

INVESTIGATION FEE

Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee, an investigation fee of \$43.00 shall be collected.

MODULAR HOMES OR PREFABRICATED STRUCTURES

Must bear a sticker of approval from the U.S. federal government, the state, a national testing facility, or other recognized inspection bureau. When this sticker is in evidence, a flat rate of \$43.00 will be charged.

TRANSFORMERS, VAULTS - OUTDOOR ENCLOSURES
OUTDOOR SUB-STATIONS

Not over 200 KVA	\$19.00
Over 200 to 500 KVA	\$21.00
Over 500 KVA	\$28.00

NOTE: Above applied to each bank of transformers.

SWIMMING POOLS

Bonding \$17.00
Filters & Pool Lights (Use fixture & appliance schedule)

REINSPECTION OR REINTRODUCTION OF CURRENT

Charge is in relation to amount of supervision, but no less than \$43.00
Any equipment not heretofore approved, the schedule covering classification to apply used.

ADDITIONAL INSPECTIONS

For reported correction of defects found in original installation (after notice of correction and second inspection) \$17.00

ELECTRIC SIGNS

Electric discharge sign lighting systems, charge based on amp. rating of each sign:
0 to 10 amp. \$17.00
Each additional 5 amp. or fraction thereof . \$ 7.00
For incandescent signs, divide total number of sockets by "4" applying rough wiring schedule for each sign,
minimum fee. \$17.00

Charge for each combination incandescent and gas tube sign to be computed by adding charge for each class.

ELEVATOR INSTALLATIONS

Single unit, non-automatic, 1 to 20 HP each \$17.00
Single unit, non-automatic, Over 20 HP: apply primary motor schedule.
Automatic elevators: Add \$5.00 to primary motor schedule.

RADIO OR TV APPARATUS

Minimum fee \$17.00

PROTECTIVE SIGNALING SYSTEMS, SOUND OR TIME SYSTEMS OUTLETS, TELEPHONES

1 to 15 devices \$17.00
Each additional 5 \$ 3.00

TEMPORARY INSTALLATIONS AND DECORATIVE DISPLAYS
Temporary installations for carnivals, Christmas decorations, halls churches, etc., where inspection is on a one-time basis, apply the following fees:

1 to 10 KW	\$17.00
11 to 25 KW	\$21.00
26 to 50 KW	\$28.00
Over 50 KW	\$34.00

Where inspection is not on a one-time basis, Special Services below:

SPECIAL SERVICES

Special services (such as annual inspections, hospital operating floors, motion picture equipment, mobile homes, etc.) and/or conditions not provided for in the schedule shall be charged for on the basis of time required.

Minimum fee \$17.00
Temporaries and inspections requested after the first inspection, when work was not ready, EACH \$43.00

Issuance of duplicate certificate . . . \$ 3.00
PRE-PURCHASE AND USE POSTCARD PERMITS (\$17.00) FOR SIMPLE, ONE-ITEM INSPECTIONS.

ALEXANDER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 13, 1996

FROM: *Out* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 9, 1996
Item Nos. 082, 083, 086, 088,
089, 090, 091, 092, & 093

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE25

MICROFILMED

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: IRON HORSE ASSOCIATES, L.L.C.-AKA AVALON II

Location: SW/S IRON HORSE LA., 388' NW OF CENTERLINE AVALON WAY

Item No.: 092

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

A. BUILDING HEIGHT 60 FEET: THE MINIMAL FIRE DEPARTMENT ACCESS AS SHOWN ON THE SUBMITTED SITE PLAN AND REQUIRED BY MR. MILAND'S LETTER DATED 6/7/96 (SEE ATTACHED) WILL NOT ALLOW FOR AERIAL LADDER ACCESS TO THE REAR BUILDING; THEREFORE A BUILDING HEIGHT OF 60 FEET IS NOT ACCEPTABLE TO THE FIRE DEPARTMENT.

SEP 8 1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 11, 1996

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #92 - Avalon
Westside of Iron Horse Lane
Zoning Advisory Committee Meeting of September 3, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

RAW:BK:sp

AVALON/DEPRM/TXTSBP

MICROFILMED

RE: PETITION FOR VARIANCE
SW/S Iron Horse Lane, 388' NW of c/l Avalon
Way, 3rd Election Dist., 3rd Councilmanic

Ironhorse Associates, L.L.C.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-91-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esq., 502 Baltimore Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

92

STUART D. KAPLOW, P.A.
ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-3910
FACSIMILE (410) 339-3912

August 22, 1996

Via Hand Delivery

Department of Permits and Development Management
Attn: Mr. W. Carl Richards, Jr.
111 West Chesapeake Avenue
Towson, Maryland 21204

97-91-A

Re: Expedited Filing of Petition for Variance
Ironhorse Associates, L.L.C.

Dear Carl:

Please accept for expedited filing the following related to proposed variances for the Avalon - Court 2 development:

- 3 original Petitions for Variance;
- 12 copies of the Variance Request Plat;
- 3 legal descriptions (for zoning purposes);
- 1 highlighted zoning map;
- 1 highlighted aerial photograph; and
- 1 check payable to Baltimore County in the amount of \$285.

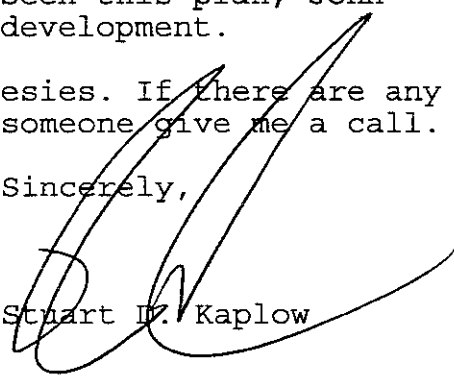
You efforts at processing this petition and having this matter scheduled for a timely hearing are greatly appreciated.

There are no violations on this property.

Be aware that while he has not yet seen this plan, John Lewis has reviewed prior plans for this development.

Thank you in advance for your courtesies. If there are any problems with this request, please have someone give me a call.

Sincerely,


Stuart D. Kaplow

SDK:tbm

cc: Mr. John B. Colvin

MICROFILMED

97-91-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 10, 1999

Ms. Robyn Santee
Reilly Mortgage Group, Inc.
1951 Kidwell Drive, Suite 100
Vienna, VA 22182

Dear Mr. Santee:

RE: Zoning Verification, 9000 Iron Horse Lane, Avalon Apartments
3rd Election District

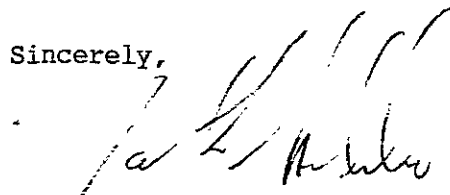
The zoning designations for the general area of the subject property is OR-2 (Office Building-Residential: which allows Class A & B Office Buildings and residential uses at a density of 10.5 units/acre), and D.R.3.5 which allows residential use at 3.5 units per acre.

A portion of the property has had a variance hearing. I have enclosed a copy of the order. There are no current outstanding zoning violations for the subject address.

The development plans and hearings determine what is legal and what may be replaced in event of damage or destruction to the units. For specific and detailed responses to your questions, this office requires specific site plans, addresses of each unit, or at least street names on a site plan.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


John R. Alexander
Planner VI
Zoning Review

JRA:ggs

Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

REILLY MORTGAGE GROUP, INC.

1951 KIDWELL DRIVE, SUITE 100
VIENNA, VIRGINIA 22182
(703) 760-4700
Fax: (703) 760-4726
FINANCIAL SERVICES

May 18, 1999

Sent Via Federal Express

Baltimore County Permits and Development
Mr. Arnold Jablon-Director of Permits & Development
111 West Chesapeake Avenue
Towson, Maryland 21204
Phone: 410-887-3391

RE: The Courts of Avalon Apartments
9000 Iron Horse Lane
Baltimore, Md 21208

Dear Mr. Jablon:

Reilly Mortgage Group, Inc. has been contracted to process a mortgage loan finance for the referenced property. As part of our due diligence, we are required to confirm the **zoning designation, outstanding Code Violations** and related information with the local authority and incorporate the response into our project analysis. In this regard, would you please issue a letter outlining the current zoning for The Courts of Avalon Apartments and indicate whether or not the improvements meet the current zoning requirements.

If it is determined that the property is a legal, non-conforming use, please indicate the areas of non-conformance (density, parking, setbacks, etc.) and the damage restoration (right to rebuild) policy in the current zoning ordinance for the Baltimore County area. Please indicate the percentage of damage limits and the time frames for reconstruction. Also, please indicate whether or not the improvements were built with a variance or special exception.

As instructed by your office, enclosed please find our check in the amount of \$40.00. At your earliest convenience please return this information via facsimile to (703) 760-4726 and follow with the original via regular USPS first class mail to the address on this letterhead.

Your help in obtaining this information will be greatly appreciated. Please do not hesitate to contact me at (703) 760-4042 should you require additional information.

Sincerely,

Robyn Santee

Robyn Santee
Office Manager

Enclosure

6/1/99
wck
To: JRA
6/1/99
wa
Carter

Received
6-2-99
JRA
25-B-7.
NW. 9-G.

PLEASE PRINT CLEARLY

PETITIONERS
PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

STUART D. KATZMAN

502 EASTINGHAM AVE C1204

JOHN B. COHEN

124 SUNDY AVE, SUITE 200, Z1208

PICK CHADSEY

658 KENILWORTH DR Z1204

MICROFILMED

Baltimore County Government
Fire Department700 East Joppa Road
Towson, MD 21286-5500Office of the Fire Marshal
(410)887-4880Lt. Robert P. Sauerwald
Baltimore County Fire Marshal
700 East Joppa Road
Towson, MD 21286-5500

September 30, 1996

Stuart D. Kaplow
502 Baltimore Ave.
Towson, Md. 21204

Dear Mr. Stuart D. Kaplow

In reference to the meeting of your group, myself and Capt. DeFlavis on Sept. 30, 1996, on the subject of my letter dated Sept. 5, 1996, Iron Horse Assoc. (Avalon-II), item "A". The following measures were agreed upon so that the intent of the requirements of item "A" can be met.

- 1) Aerial Ladder access will be provided in the form of a 18' x 45' pad capable of supporting vehicles weighing in excess of 50,000 lbs., in the following locations, both the north east and north west corners of the rear building.
- 2) Provide emergency egress in the form of a roof hatch leading to a permanent ladder installed in the center stairwell of the rear building.
- 3) Provide four (4) 20 ft. ladders on the top level of the parking garage for the use of Fire Department personnel. These ladders shall meet all Fire Department specifications for safety.
- 4) Do away with all combustible spaces located in the entire rear building. or sprinkler those spaces.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Sauerwald".

Lt. Robert P. Sauerwald

cc: Capt's Logue & DeFlavis

A.C. O'Neill

John Bryan

PETITIONERS
EXHIBIT NO. 2

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

June 13, 1996

Stuart D. Kaplow
502 Baltimore Avenue
Towson, Maryland 21236-5500

Re: Clarification of Iron Horse Assoc. (Avalon II) requirements

Dear Mr. Kaplow:

Regarding the letter dated September 30, 1996 in which Lieutenant Bob Sauerwald outlines the requirements for the above mentioned project, I would like to offer a clarification of item no. 4. The item states "Do away with all combustible spaces in the entire rear building or sprinkler those spaces." The combustible spaces which are mentioned refer to the spaces between the ceiling and the roof assembly only. The buildings which are mentioned refer to the eight rear units that abut the forest buffer to the rear of the building. As I discussed with Fred Burrell this morning, the buildings must be equipped with a standpipe which complies with NFPA 14 and if necessary intermediate standpipe connections may be required in the corridor.

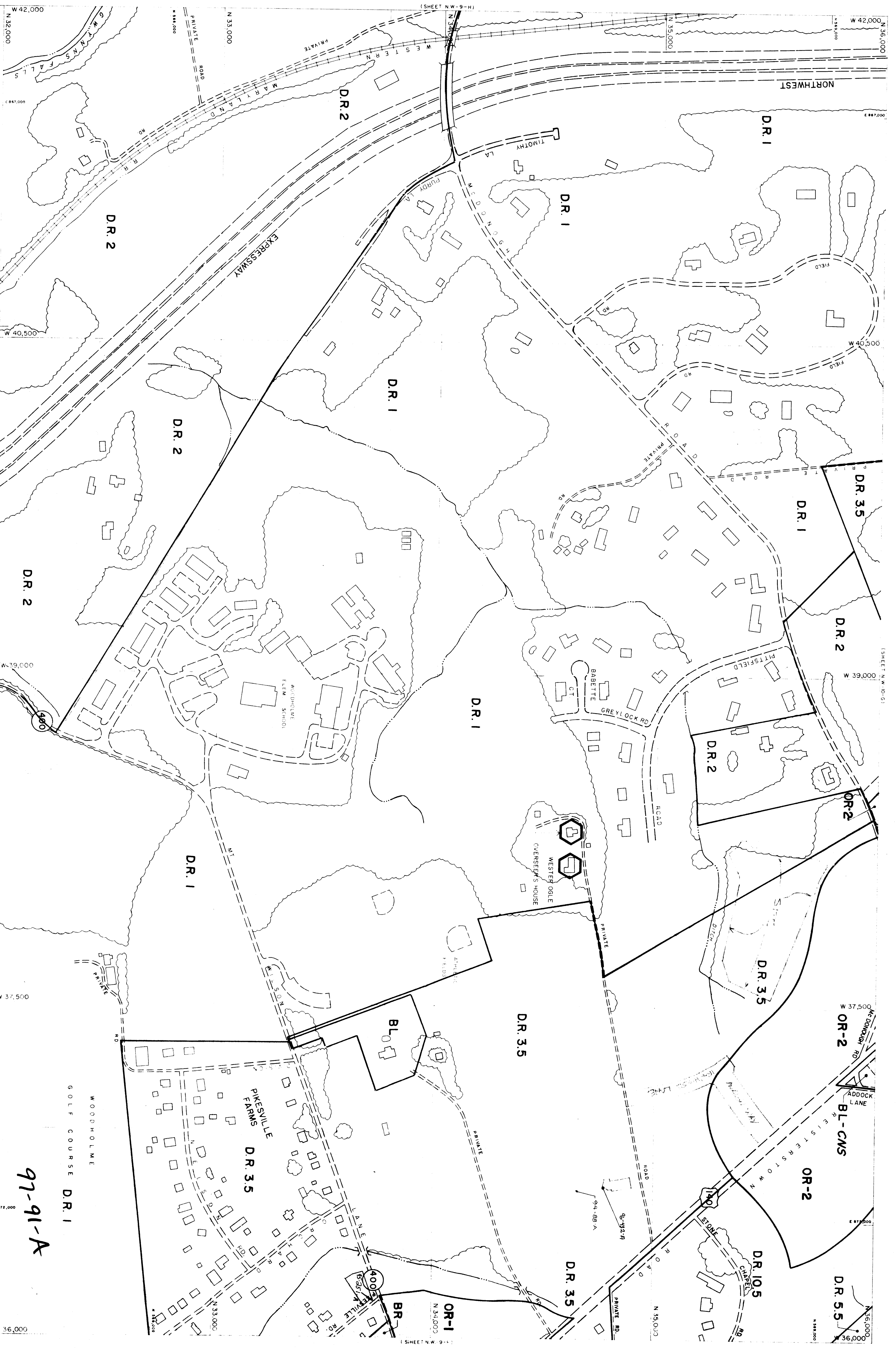
If you have any further questions please contact either myself at 887-4882 or Lieutenant Bob Sauerwald at 887-4880.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Richard A. DeFlavis".

Richard A. DeFlavis
Captain, F.M.O.

cc: A.C. O'Neill
D.C. Weir
Lt. Sauerwald
John Bryan



P-NE
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY DERIVED FROM PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council

SCALE 1" = 200' ±	LOCATION GARRISON AREA	SHEET N 32,000 W 36,000 9-6
DATE OF PHOTOGRAPHY JANUARY 1986		

97-91-A

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
GARRISON
AREA

SHEET
N.W.
9-G
MICROFILMED

DATE
OF
PHOTOGRAPHY
JANUARY
1986

97-91-A

92

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Iron Horse Lane, 388 ft. * ZONING COMMISSIONER
NW of c/l Avalon Way *
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Ironhorse Associates, L.L.C. * Case No. 97-91-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the west side of Iron Horse Lane, 387 ft. north of Avalon Way, also known as the Avalon Development, Section 2. Variance relief is requested, pursuant to Section 504.2 of the Baltimore County Zoning Regulations (BCZR) for the following variances from the 1970 Comprehensive Manual of Development Policies (CMODP):

- A. Section V.B.3.a and 1B01.2.C.6 to permit a building height of 60 ft. in lieu of the permitted 50 ft.;
B. Section V.B.4.a and 1B01.2.B.2 to permit a building length of 500 ft. in lieu of the permitted 300 ft; and
C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 ft. in lieu of the required 25 ft., and to permit the eastern side yard window to property line setback of 13 ft., in lieu of the 15 ft. required. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was John B. Colvin, principal of Ironhorse Associates, L.L.C. Also present was Rick Chadsey, an engineer from G.W. Stephens and Associates, Inc., the preparer of the site plan. The Petitioner was represented by Stuart D. Kaplow,

Require. Zelda Weiner appeared as an interested person. There were no Protestants present.

As noted above, the subject variance request relates to the development known as Avalon, a parcel located adjacent to the intersection of McDonogh Crossroads and Reisterstown Road in northwest Baltimore County. The Petitioner is proposing an innovative residential development as shown on the site plan. The proposal under consideration calls for the construction of a condominium style residential building, with 148 units. The innovative style of the building is generated by the fact that parking for each unit will be internal and not visible from surrounding properties. The building style was described as a doughnut configuration by Developer's counsel. The internal parking area provides 301 spaces.

The variances are requested to allow this unique building style and architecture. In this regard, Mr. Kaplow proffered that the building's height would be closer to 57 ft., however, a variance permitting a height of up to 60 ft. was requested to accommodate site conditions. The shape of the building and the interior parking layout also generates the variance request as to the length of the building (500 ft. in lieu of the permitted 300 ft.). It is to be noted that there will be no increase in residential density occasioned by the variance relief.

The grant of variances are governed by Section 307 of the BCZR. In my judgment, the Petitioner has satisfied the test set forth therein. The proposal is an innovative housing style which is expressly encouraged by the BCZR. This innovative style is appropriate at this location and variance relief should be granted in order to accommodate this development. In my judgment, denial of the variance would result in practical difficulty upon the Petitioner and relief can be granted without adverse impact to the surrounding properties.

-2-

Notwithstanding the grant of the relief, I will condition same upon compliance with the comments from Lt. Robert P. Sauerwald from the Baltimore County Fire Department dated September 30, 1996. Those comments, which are marked as Petitioner's Exhibit No. 2, require certain conditions to be appended to the plan in order to meet fire department requirements. These requirements shall be conditioned precedent to the grant of the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October, 1996 that a variance from Section V.B.3.a and 1B01.2.C.6 of the BCZR to permit a building height of 60 ft. in lieu of the permitted 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.4.a and 1B01.2.B.2 of the BCZR to permit a building length of 500 ft. in lieu of the permitted 300 ft, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 ft., in lieu of the required 25 ft., and to permit the eastern side yard window to property line setback of 13 ft., in lieu of the 15 ft. required, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, the Fire Department

-3-

dated September 5, 1996, are adopted in their entirety and made a part of this Order.

LES/mm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date _____
By _____

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 8, 1996

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 97-91-A
Petition for Zoning Variance
Property: Westside of Ironhorse Lane, 387' N of Avalon Way
Ironhorse Associates, L.L.C., Petitioner

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm

att.
c: Mr. John Colvin, Ironhorse Assoc., L.L.C. 124 Slade Avenue #200
Baltimore, Md. 21208
c: Ms. Zelda Weiner, 210 Glenn Ellen Circle, Pikesville, Md. 21208

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at Westside of Ironhorse Lane 387 feet north of Avalon Way, also known as the Avalon Development, which is presently zoned BC-3.5, 0-2.

This Petition shall be filed with the Office of Zoning Administration & Development Management, 1B-1
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
That the property is unique and unusual such that the uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.
Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

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(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

PETITION FOR VARIANCE
ATTACHMENT A

Section 504.2 of the Baltimore County Zoning Regulations, requesting the following variances from the 1970 C.M.D.P.

- A. Section V.B.3.a and 1B01.2.C.6 to permit a building height of 60 feet in lieu of the permitted 50 feet;
B. Section V.B.4.a and 1B01.2.B.2 to permit a building length of 500 feet in lieu of the permitted 300 feet; and
C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 feet in lieu of the required 25 feet, and to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at Westside of Ironhorse Lane 387 feet north of Avalon Way, also known as the Avalon Development, which is presently zoned BC-3.5, 0-2.

This Petition shall be filed with the Office of Zoning Administration & Development Management, 1B-1
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
That the property is unique and unusual such that the uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.
Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

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(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

(Type or Print Name)

Petition For Variance
Attachment A

Section 504.2 of the Baltimore County Zoning Regulations,
Requesting the following variances from the 1970 C.M.D.P.

- A. Section V.B.3.a. to permit a building height of 60 feet in lieu of the permitted 50 feet;
- B. Section V.B.4.a and 1801.2.B.2 to permit a building length of 500 feet in lieu of the permitted 300 feet; and
- C. Section V.B.6.a and V.B.6.b to permit a front yard to right of way setback of 20 feet in lieu of the required 25 feet, and to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany Zoning Variance Petition
Avalon Court 2

August 22, 1996
Page -1-

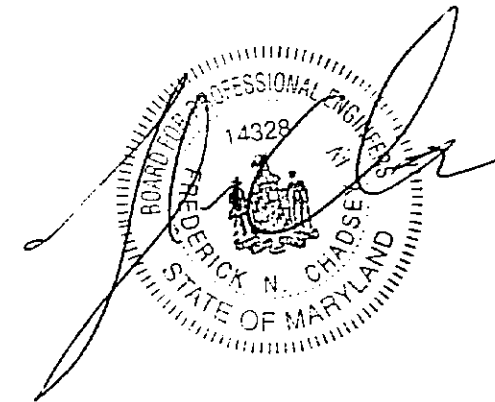
Beginning at a point on the southwesterly right-of-way of Ironhorse Lane, said point being North 53 degrees 56 minutes 28 seconds West 387.91 feet more or less, from a point formed by the intersection of the centerlines of Ironhorse Lane and Avalon Way running thence leaving said point of beginning and the right-of-way of Ironhorse Lane, along the following 31 courses.

1. South 25 degrees 04 minutes 51 seconds West 58.34 feet,
2. South 24 degrees 43 minutes 38 seconds West 105.39 feet,
3. South 28 degrees 14 minutes 59 seconds West 44.31 feet,
4. South 70 degrees 53 minutes 24 seconds East 65.01 feet,
5. South 74 degrees 45 minutes 20 seconds West 31.38 feet,
6. South 90 degrees 00 minutes 00 seconds West 15.94 feet,
7. North 76 degrees 21 minutes 13 seconds West 110.23 feet,
8. North 78 degrees 58 minutes 56 seconds West 53.48 feet,
9. North 77 degrees 59 minutes 14 seconds West 103.89 feet,
10. North 81 degrees 43 minutes 27 seconds West 30.85 feet,
11. North 83 degrees 28 minutes 28 seconds West 32.67 feet,
12. North 88 degrees 12 minutes 39 seconds West 19.50 feet,
13. South 86 degrees 44 minutes 07 seconds West 16.94 feet,
14. South 77 degrees 22 minutes 09 seconds West 24.26 feet,
15. South 69 degrees 28 minutes 39 seconds West 16.51 feet,
16. South 62 degrees 47 minutes 17 seconds West 7.02 feet,
17. South 62 degrees 47 minutes 19 seconds West 70.59 feet,
18. North 40 degrees 57 minutes 38 seconds West 19.85 feet,
19. North 61 degrees 19 minutes 09 seconds East 20.01 feet,
20. North 05 degrees 11 minutes 24 seconds East 37.47 feet,
21. North 47 degrees 57 minutes 18 seconds East 37.47 feet,
22. North 00 degrees 47 minutes 41 seconds West 46.08 feet,
23. North 27 degrees 05 minutes 25 seconds East 59.26 feet,
24. North 23 degrees 00 minutes 58 seconds East 44.65 feet,
25. Thence along a curve to the left having a radius of 25.00 feet for a length of 37.96 feet, said curve being subtended by a chord bearing North 20 degrees 22 minutes 26 seconds West 34.35 feet,
26. North 17 degrees 53 minutes 48 seconds East 53.53 feet,
27. North 04 degrees 39 minutes 13 seconds West 44.03 feet,
28. North 33 degrees 55 minutes 16 seconds East 60.82 feet to a point on the southwesterly right-of-way of Ironhorse Lane,
29. Continuing along the southwesterly right-of-way of Ironhorse Lane along a curve to the left having a radius of 405.00 feet for a length of 89.64 feet, said curve being subtended by a chord bearing South 62 degrees 25 minutes 11 seconds East 68.46 feet,
30. Continuing along the southwesterly right-of-way of Ironhorse Lane South 68 degrees 45 minutes 39 seconds East 530.08 feet,

31. Continuing along the southwesterly right-of-way of Ironhorse Lane along a curve to the right having a radius of 720.00 feet for a length of 48.27 feet, said curve being subtended by a chord bearing South 66 degrees 50 minutes 24 seconds East 48.26 feet, to the point of beginning.

Containing 4.65 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



EXTRA COPY
IN CASE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3
Posted for: VARIANCES Case 97-91-A Date of Posting: 9/22/96
Petitioner: IRON HORSE ASSOCIATES
Location of property: SUBSIDEN HORSE LANE - 388' NW E AVALON WAY
Location of Sign: END OF EXISTING IRON HORSE WAY (PUBLIC ROAD)
Remarks: [Signature]
Posted by: [Signature] Date of return: 9/25/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 5, 1996.

THE JEFFERSONIAN,

A. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:

Case #97-91-A
Item 92
SUBSIDEN HORSE LANE, 388' NW E AVALON WAY
3rd Election District - 3rd Councilmanic

Variance to permit a building height of 60 feet in lieu of the permitted 50 feet; to permit a building length of 500 feet in lieu of the permitted 300 feet; and to permit the eastern side yard window to property line setback of 13 feet in lieu of the 15 feet required.

Legal Owner(s): Ironhorse Associates, L.L.C.

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Legal Owner(s): Ironhorse Associates, L.L.C.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 6, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 81, 83, 86, 88, 90, 92 and 93

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Kloss*
PK/JL

ITEM81/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 13, 1996

FROM: *Robert M. Bowling*, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 9, 1996
Item Nos. 082, 083, 086, 088,
089, 090, 091, 092 & 093

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb
cc: File

ZONE25

cc: File

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: IRON HORSE ASSOCIATES, L.L.C. -AKA AVALON II

Location: SW/S IRON HORSE LA., 388' NW OF CENTERLINE AVALON WAY

Item No.: 092 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

A. BUILDING HEIGHT 60 FEET: THE MINIMAL FIRE DEPARTMENT ACCESS AS SHOWN ON THE SUBMITTED SITE PLAN AND REQUIRED BY MR. MILAND'S LETTER DATED 6/7/96 (SEE ATTACHED) WILL NOT ALLOW FOR AERIAL LADDER ACCESS TO THE REAR BUILDING; THEREFORE A BUILDING HEIGHT OF 60 FEET IS NOT ACCEPTABLE TO THE FIRE DEPARTMENT.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

September 11, 1996

FROM: Robert A. Wirth *RAW/jrb*
DEPRM

SUBJECT: Zoning Item #92 - Avalon
Westside of Iron Horse Lane
Zoning Advisory Committee Meeting of September 3, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

RAW:BK:sp
AVALON/DEPRM/TXTBSB

RE: PETITION FOR VARIANCE * BEFORE THE
SW/S Iron Horse Lane, 388' NW of c/l Avalon * ZONING COMMISSIONER
Way, 3rd Election Dist., 3rd Councilmanic *
Ironhorse Associates, L.L.C. * OF BALTIMORE COUNTY
Petitioner * CASE NO. 97-91-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esq., 502 Baltimore Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

STUART D. KAPLOW, P.A.
ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-3910
FACSIMILE (410) 339-3912

August 22, 1996

Via Hand Delivery
Department of Permits and Development Management
Attn: Mr. W. Carl Richards, Jr.
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Expedited Filing of Petition for Variance
Ironhorse Associates, L.L.C.

Dear Carl:

Please accept for expedited filing the following related to proposed variances for the Avalon - Court 2 development:

- 3 original Petitions for Variance;
- 12 copies of the Variance Request Plat;
- 3 legal descriptions (for zoning purposes);
- 1 highlighted zoning map;
- 1 highlighted aerial photograph; and
- 1 check payable to Baltimore County in the amount of \$285.

You efforts at processing this petition and having this matter scheduled for a timely hearing are greatly appreciated.

There are no violations on this property.

Be aware that while he has not yet seen this plan, John Lewis has reviewed prior plans for this development.

Thank you in advance for your courtesies. If there are any problems with this request, please have someone give me a call.

Sincerely,

Stuart D. Kaplow
Stuart D. Kaplow

SDK:tbm

cc: Mr. John B. Colvin

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Stuart D. Kaplow</i>	<i>502 Baltimore Ave. Apt 404</i>
<i>John B. Colvin</i>	<i>164 S. State Ave., Suite 200, 21208</i>
<i>Pick Chao</i>	<i>164 S. State Ave., Suite 200, 21208</i>

09/30/1996 14:15 1413687572

B00 FIRE MARSHAL PAGE 01

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

Lt. Robert P. Sauerwald
Baltimore County Fire Marshal
700 East Joppa Road
Towson, MD 21286-5500

September 30, 1996

Stuart D. Kaplow
502 Baltimore Ave.
Towson, MD 21204

Dear Mr. Stuart D. Kaplow:

In reference to the meeting of your group, myself and Capt. DeFlavis on Sept. 30, 1996, on the subject of my letter dated Sept. 5, 1996, Iron Horse Assoc. (Avalon-II), item "A". The following measures were agreed upon so that the intent of the requirements of item "A" can be met.

- 1) Aerial Ladder access will be provided in the form of a 18' x 45' pad capable of supporting vehicles weighing in excess of 30,000 lbs., in the following location, both the north east and north west corners of the rear building.
- 2) Provide emergency egress in the form of a roof hatch leading to a permanent ladder installed in the center stairwell of the rear building.
- 3) Provide four (4) 20 ft. ladders on the top level of the parking garage for the use of Fire Department personnel. These ladders shall meet all Fire Department specifications for safety.
- 4) Do away with all combustible spaces located in the entire rear building or sprinkler those spaces.

Sincerely,

Robert P. Sauerwald
Lt. Robert P. Sauerwald
cc: Capt's Logue & DeFlavis
A.C. O'Neill
John Bryan

PETITIONERS
EXHIBIT NO. 2

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on Recycled Paper

10-01-1996 1:52PM FROM QUESTAR HOMES 410 653 6804
10/01/1996 11:24 1410837572 B00 FIRE MARSHAL PAGE 02

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

June 13, 1996

Stuart D. Kaplow
502 Baltimore Avenue
Towson, Maryland 21204-5500

Re: Clarification of Iron Horse Assoc (Avalon II) requirements

Dear Mr. Kaplow:

Regarding the letter dated September 30, 1996 in which Lieutenant Bob Sauerwald outlines the requirements for the above mentioned project, I would like to offer a clarification of item no. 4. The item states "Do away with all combustible spaces in the entire rear building or sprinkler those spaces." The combustible spaces which are mentioned refer to the spaces between the ceiling and the roof assembly only. The buildings which are mentioned refer to the eight rear units that abut the forest buffer to the rear of the building. As I discussed with Fred Burrell this morning, the buildings must be equipped with a standpipe which complies with NFPA 14 and if necessary intermediate standpipe connections may be required in the corridor.

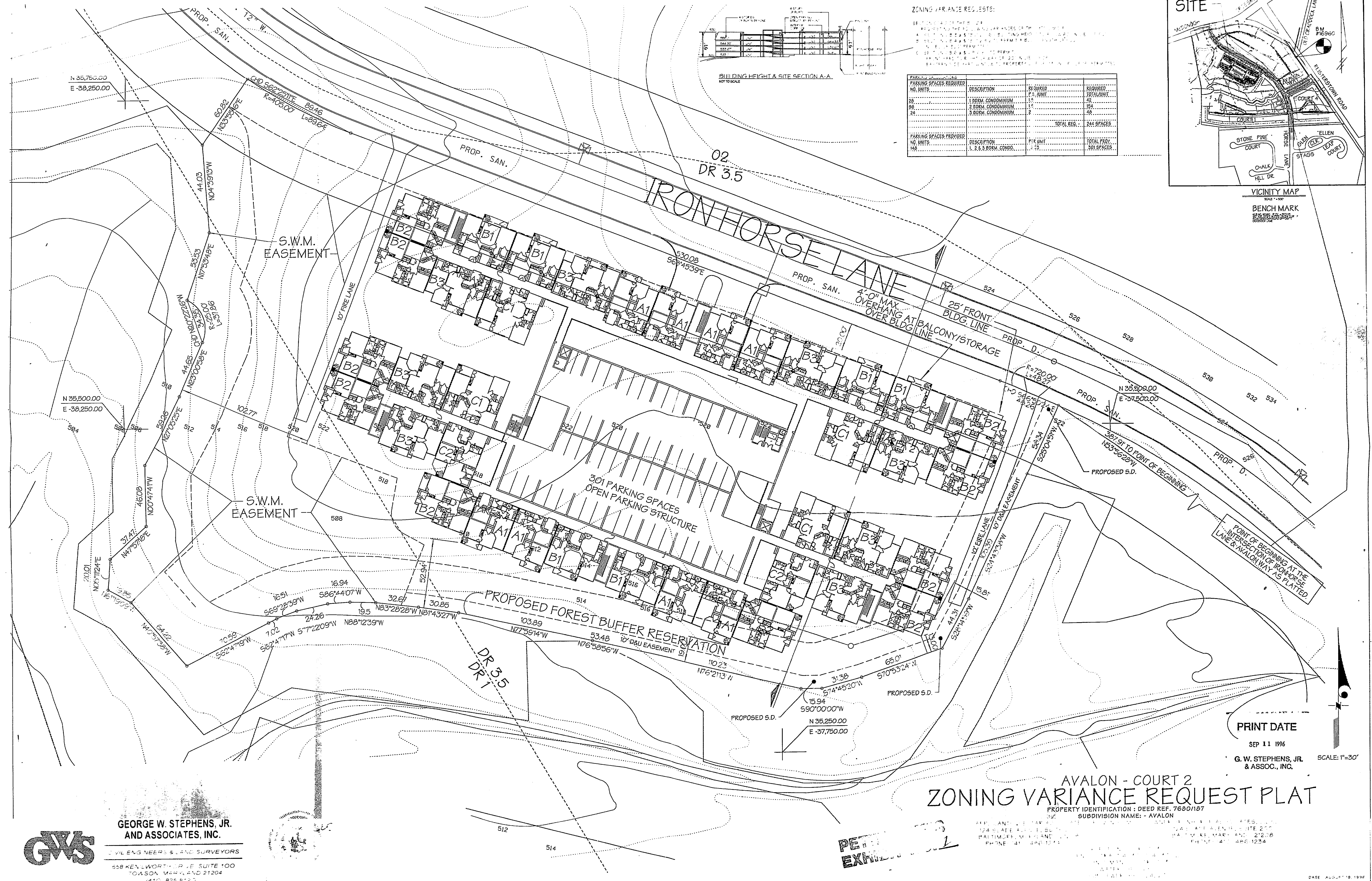
If you have any further questions please contact either myself at 887-4882 or Lieutenant Bob Sauerwald at 887-4880

Very truly yours,

Richard A. DeFlavis
Richard A. DeFlavis
Captain, F.M.O.

cc: A.C. O'Neill
D.C. Weir
Lt. Sauerwald
John Bryan

Printed with Recycled Ink
on Recycled Paper

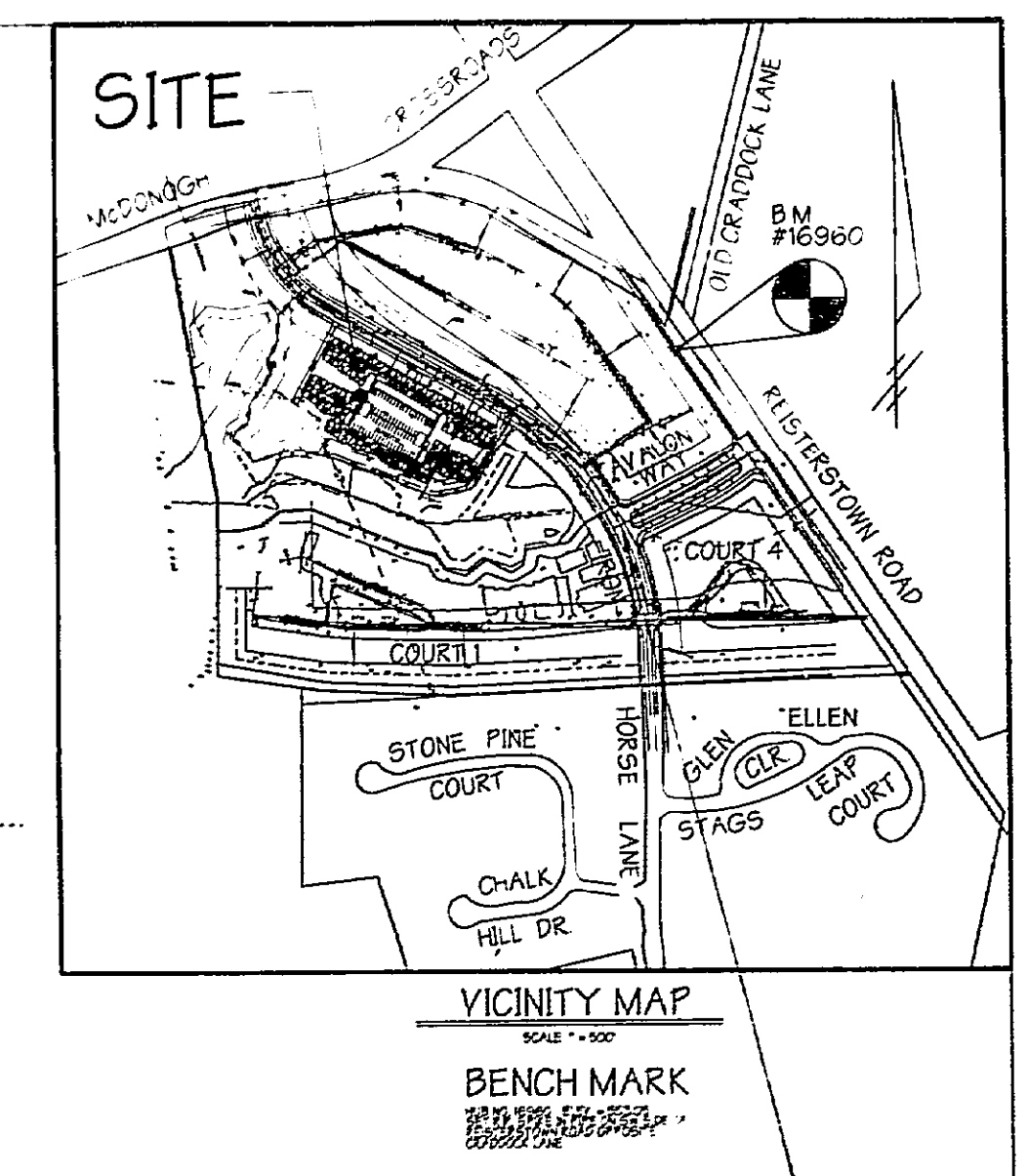


ZONING VARIANCE REQUEST:

SECTION 1: LOT 2, BLOCK 1, SUBDIVISION 1, MAP 1, PLAT 1, DEED REF. 7680/187, SUBDIVISION NAME: AVALON

PARKING SPACES REQUIRED NO. UNITS	DESCRIPTION	PER UNIT	TOTAL REQ.
28	1 BDRM. CONDOMINIUM	1.5	42
96	2 BDRM. CONDOMINIUM	1.5	144
24	3 BDRM. CONDOMINIUM	1.5	36
			TOTAL REQ. 244 SPACES

PARKING SPACES PROVIDED NO. UNITS	DESCRIPTION	PER UNIT	TOTAL PROV.
140	1, 2 & 3 BDRM. CONDO.	1.5	210



GWS
GEORGE W. STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
558 KEN WORTH DRIVE, SUITE 100
TOLESON, WYOMING 82124
407.625.5127

AVALON - COURT 2 ZONING VARIANCE REQUEST PLAT

PROPERTY IDENTIFICATION: DEED REF. 7680/187
SUBDIVISION NAME: AVALON
DATE: SEP 11 1996
G.W. STEPHENS, JR. & ASSOC., INC.
SCALE: 1"=30'

PETITION
EXHIBIT 1

DATE: AUG 18 1996



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200'

LOCATION
GARRISON
AREA

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
N.W.
9-6

97-91-A

92